

EXHIBIT D

From: 2804 Discovery, MDL
Sent: Wednesday, March 6, 2019 6:31 PM
To: DL - MDL 2804
Subject: FW: EXTERNAL-MDL 2804-Pharmacy Depositions

From: Pyser, Steven <SPyser@wc.com>
Sent: Wednesday, March 6, 2019 11:24:33 PM
To: David R. Cohen
Cc: xALLDEFENDANTS-MDL2804-Service@arnoldporter.com; 2804 Discovery, MDL
Subject: EXTERNAL-MDL 2804-Pharmacy Depositions

Dear Special Master Cohen and Counsel:

I write on behalf of Distributor Defendants. After Plaintiffs identified specific allegedly suspicious orders for the first time in the last weeks of fact discovery (the majority of which were identified on January 25, 2019), Distributor Defendants undertook immediate efforts to investigate the orders, including by serving document and deposition subpoenas on certain pharmacies. That investigation continues. At this time, however, Distributor Defendants will not be exercising their right to take depositions of the particular pharmacies Plaintiffs identified on or shortly before January 25 as having made suspicious orders. As we understand the Special Master's order, plaintiffs will accordingly not be entitled to any "reciprocal" depositions.

It is imperative that Distributor Defendants reserve the right, and hereby do so, to request additional discovery, including depositions, should Plaintiffs identify additional allegedly suspicious orders, pharmacies or pharmacists who allegedly placed suspicious orders, or additional information about the pharmacies already identified, whether through expert reports, discovery responses, witness lists, or otherwise.

Thank you,
Steve

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